

DETAILED ACTION

1. Claims 1-14 are pending in this application.

Election/Restrictions

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1 (in part), 2 and 3-14 (in part), drawn to pyrazino ring fused to pyridine (i.e. W and Z are N and the other two are CR8).

Group II, claim(s) 1 (in part) and 3-14 (in part), drawn to pyridazino ring fused to pyridine (i.e. W and X are N and the other two are CR8).

Group III, claim(s) 1 (in part) and 3-14 (in part), drawn to others (i.e. X and Y = N or Y and Z = N).

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the special technical feature of Group I is a pyrazino ring fused to pyridine and is different from the special technical feature of Groups II-III. The special technical feature of Group II is a pyridazino ring fused to pyridine and is different from the special technical feature of Group II. The special technical feature of Group III is others (core structures that don't fall in Groups I or II) and is different from the special technical feature of Groups I-II.

Art Unit: 1624

Note that the special technical feature of Group III is different from Group II, since the two nitrogens are at different locations of the bicyclic ring.

If applicants elect Group III, election of a single disclosed species is required.

A telephone call was made to Mr. Thomas Hamilton on Nov. 06, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kahsay T. Habte/
Primary Examiner, Art Unit 1624

November 8, 2007

Application/Control Number: 10/540,035
Art Unit: 1624

Page 5